



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

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ATTORNEY GENERAL**

November 13, 1956

Honorable James R. Stanford
Assistant Administrator
Texas Liquor Control Board
Austin, Texas

Letter Opinion No. MS-261
Re: Validity of attempted curing
of insufficiencies, defects
or fraud in local option
petitions after return to
County Clerk.

Dear Sir:

In your letter you refer to the strict requirements surrounding the issuance, circulation and return of petitions for local option elections, and the safeguards set by the Legislature to guarantee purity of procedure leading up to the calling of local option elections, and you ask:

"If the County Clerk determined that there are signatures which cannot be counted because of a failure of any of the above requirements, or because of a duplication of name or handwriting, is it possible for these faults to be cured by affidavit, sworn statement, or otherwise, or would such attempt to cure these deficiencies amount to a circulation of the petition beyond the thirty days permitted in Section 32?"

Section 32 of Article 666, Penal Code of Texas, reads in part as follows:

"When any such petition so issued shall within thirty (30) days after the date of issue be filed with the Clerk of the Commissioners' Court bearing the actual signatures of as many as twenty-five per cent (25%) of the qualified voters"

and then goes on to set out all of the stipulations which go to make up valid signatures and a sufficient petition. It is our opinion that the Legislature intended that the petition should be complete when returned to the County Clerk and that there was no legislative intent that it should be added to

once it had been returned.

It is our opinion that once the petitions have been returned to the County Clerk for his canvass leading to certification, the County Clerk and the Commissioners' Court are without authority to accept any statements or to do any other thing which would be aimed at curing insufficiencies, defects or fraud in the petition, since such would amount to a circulation of the petition beyond the thirty day period fixed by the Legislature, and neither the County Clerk nor the Commissioners' Court has the authority to grant such extension of time.

Very truly yours,

JOHN BEN SHEPPERD
Attorney General